

IN THE CIRCUIT COURT
OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CIVIL DIVISION
CASE NO.: 2024-022769-CA-01

KP INVESTMENTS MIAMI, LLC,

Plaintiff,

v.

MARIO MIRABAL,

Defendant.

_____ /

REQUEST FOR HEARING NOTICE OF JURISDICTIONAL OBJECTION
AND NON-APPEARANCE DUE TO PENDING FEDERAL APPELLATE
REVIEW AND THE SUPREMACY CLAUSE OF THE U.S.
CONSTITUTION (ARTICLE VI, CLAUSE 2)

COMES NOW Defendant Mario Mirabal, pro se, and respectfully submits
this Notice of Jurisdictional Objection and Non-Appearance in response to
the scheduled hearing set by this Court on June 18, 2025, regarding Plaintiff's
Motion to Compel Deposition.

I. FEDERAL JURISDICTION IS ACTIVE AND EXCLUSIVE

Defendant has filed multiple appeals now pending before the United States
Court of Appeals for the Eleventh Circuit, including Case Nos. 25-10858,

25-10862, 25-11120, 25-11182, 25-11183, and 25-11254, all involving the underlying chain of title, procedural fraud, and jurisdictional misconduct stemming from the disputed foreclosure and ejectment actions.

Those filings include:

Active Rule 60(d)(3) motions asserting fraud upon the court,

Emergency filings invoking the All Writs Act (28 U.S.C. § 1651),

Formal invocation of the Supremacy Clause of the United States Constitution (Article VI, Clause 2).

Additionally, Defendant has served formal rescission notices and provided notice of pending sealed federal oversight related to ongoing federal review and jurisdictional conflict.

II. NO JURISDICTION EXISTS TO PROCEED

This Court has been formally placed on notice that:

Jurisdiction over this matter now lies exclusively with the Eleventh Circuit,

The asserted claim of title by Plaintiff is the subject of pending federal fraud review,

And any further action by this Court, including hearings or orders, constitutes interference with federal jurisdiction in violation of the Supremacy Clause.

Despite this, the Court has scheduled a hearing solely on Plaintiff's motion, while refusing to schedule or address Defendant's jurisdictional filings or motions for stay. This creates a record of procedural imbalance and federal conflict.

III. DEFENDANT'S NON-APPEARANCE IS CONSTITUTIONALLY PROTECTED

Defendant respectfully notifies this Court that he will not appear at the June 18, 2025 hearing, as doing so would imply consent to the Court's jurisdiction, which Defendant expressly denies. Defendant's objection is not evasive — it is rooted in:

The Supremacy Clause of the U.S. Constitution,

Pending federal appellate oversight,

And the necessity of preserving federal review free of state court interference.

No lawful order compelling appearance has been issued, and no contempt or sanction may constitutionally attach under these conditions without violating federal supremacy and Defendant's appellate rights.

IV. NOTICE TO PRESERVE THE RECORD

This notice is submitted to preserve the record, provide judicial notice of pending federal jurisdiction, and confirm that Defendant is acting within his rights and obligations under federal law. Should any action be taken by this Court or opposing counsel in response to Defendant's non-appearance, it will be raised immediately before the Eleventh Circuit and any other appropriate federal authority.

As communicated by the Judicial Assistant for Judge Orshan, this Court presently manages over 2,000 cases and does not routinely review motions unless a hearing is formally requested.

Defendant therefore makes this hearing request solely to ensure the Court takes notice of the filing and does not overlook it administratively. However, Defendant respectfully submits that this Court may not take further action in this matter, with or without a hearing, as jurisdiction has been divested under the Supremacy Clause of the United States Constitution (Article VI, Clause 2).

This hearing request is made only to preserve the record in light of the following related filings, all of which remain pending in connection with federal appellate review and jurisdictional oversight:

NOTICE OF FEDERAL FRAUD-BASED MOTION UNDER REVIEW IN
ELEVENTH CIRCUIT under Rule 60(d)(3)

MOTION FOR HEARING AND DEFENDANT'S EMERGENCY
MOTION TO STRIKE PLAINTIFF'S SECOND MOTION FOR
SUMMARY JUDGMENT AND TO STAY ALL PROCEEDINGS

PENDING FEDERAL REVIEW

MOTION FOR HEARING AND NOTICE OF WILLFUL REFUSAL TO
RESCIND TITLE CLAIM AND LITIGATION POSITION FOLLOWING
FEDERAL OFFRAMP

REQUEST FOR HEARING AND DEFENDANT'S MOTION IN
OPPOSITION TO PLAINTIFF'S SECOND MOTION FOR SUMMARY
JUDGMENT

REQUEST FOR HEARING ON DEFENDANT'S OBJECTION TO
NOTICE OF DEPOSITION AND NOTICE OF BARRED PROCEEDINGS
UNDER FEDERAL SUPREMACY AND RULE 60(d)(3) FRAUD CLAIMS

Defendant respectfully submits that a hearing is not necessary, as the jurisdictional and legal defects raised herein do not permit this Court to proceed. This request is made solely to preserve the record and ensure administrative notice of the filings in light of pending federal review

V. NOTICE OF ACTIVE FRAUD IN THIS COURT AND RISK TO
JUDICIAL INTEGRITY

Since the filing of Defendant's federal Rule 60(d)(3) motion, now under review by the Eleventh Circuit, the U.S. Department of Justice, and the Federal Bureau of Investigation, Plaintiff KP Investments Miami, LLC, through Carlos Perez and attorney John Cunill, has continued to submit false and materially misleading statements in this Court. These actions have been made in violation of the Supremacy Clause and constitute ongoing fraud upon

the court, now being executed within this very courtroom.

The following specific contradictions and omissions are now formally preserved in the record of this Court:

Carlos Perez's sworn affidavit (filed May 28, 2025) falsely states that KP Investments purchased the subject property on November 20, 2024.

However:

The Warranty Deed submitted to the Clerk of Court was executed and recorded on November 13, 2024,

At that time, Defendant's Chapter 13 bankruptcy case remained open and active, with dismissal entered only on November 22, 2024.

This deed was executed in violation of the bankruptcy stay, rendering it void ab initio.

On October 24 and 25, 2024, Defendant filed two federal adversary proceedings in bankruptcy court against Deutsche Bank and KP Investments, respectively, challenging the legitimacy of the title transfer, seeking injunctive relief, and asserting multiple claims for fraudulent conveyance and declaratory relief. These federal cases were pending at the time of the deed execution.

Defendant also filed two Rule 1.540(b) motions — one in the specific performance case (10/07/2024) and one in the foreclosure case (11/07/2024). Both remain unadjudicated, and their pendency renders the finality of any

state judgment defective and procedurally contested.

Plaintiff's filings in this Court — including the Second Motion for Summary Judgment and Motion to Compel Deposition — omit any reference to these federal proceedings, bankruptcy protections, or jurisdictional conflicts, and instead falsely present KP's title as settled and unencumbered.

The Notice of Hearing filed for the June 18, 2025 hearing was miscaptioned, falsely stating that it was Defendant's motion being set for hearing, when it was in fact filed by Plaintiff. The Certificate of Service attached to that filing identifies service of a "Motion for Default," not the Motion to Compel — further showing procedural confusion or deliberate misrepresentation.

Taken together, these actions show that Carlos Perez and John Cunill are actively using this Court to perpetuate fraud, and this fraud has now been documented before the Eleventh Circuit, DOJ, and FBI. To proceed under these conditions would expose this Court to direct entanglement in ongoing federal fraud proceedings and place its own actions in constitutional and jurisdictional conflict. Any state court action taken in disregard of this notice may be construed as interference with an active federal record, and will be preserved as such.

Defendant respectfully submits that non-appearance at the June 10 deposition and June 18 hearing is not an act of evasion, but a constitutional necessity. It is based on the direct conflict between this Court's current entanglement in proceedings now under sealed federal oversight, the binding force of federal supremacy, and the documented use of this Court as a procedural vessel for fraud, judicial misconduct, and material misrepresentation by Plaintiff and its

counsel.

Respectfully submitted,

Mario Mirabal

Pro Se Defendant

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June 5, 2025

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF JURISDICTIONAL OBJECTION AND NON-APPEARANCE DUE TO PENDING FEDERAL APPELLATE REVIEW AND THE SUPREMACY CLAUSE OF THE U.S. CONSTITUTION (ARTICLE VI, CLAUSE 2) was served on this 5th day of June, 2025, upon all parties listed below via the Florida Courts E-Filing Portal, as follows:

John Cunill, Esq.

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Counsel for Plaintiff KP Investments Miami, LLC

Filed with the Clerk of Court, Eleventh Judicial Circuit, Miami-Dade County,
Florida, via electronic filing system.